

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jorg Stürzebecher et al. Confirmation No.: 1588  
Serial No.: 10/506,579 Art Unit: 1621  
Filed: April 13, 2005 Examiner: P. Zucker  
Customer No.: 21559  
Title: UROKINASE INHIBITORS, PRODUCTION AND USE THEREOF

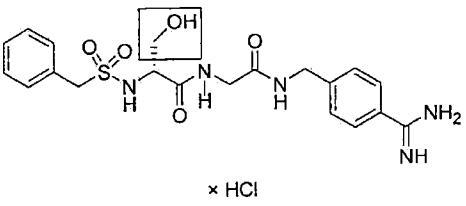
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DECLARATION OF ANDREA SCHWEINITZ UNDER 37 C.F.R. § 1.132

TRAVERSING GROUNDS OF REJECTION

Under 37 C.F.R. § 1.132 and regarding the rejection of claims 21 and 34-38 in view of Stürzebecher (DE 10029014-A1) ("Stürzebecher"), I declare:

1. I am an inventor of the subject matter that is described and claimed in the above-captioned patent application.
2. I am an inventor of the subject matter that is described and claimed in Stürzebecher.
3. As recited in pending claim 21, one or more of  $R_1$ ,  $R_2$ ,  $R_3$ , or  $R_5$  in formula I must be charged. A compound that has a charged group at  $R_4$  would not be encompassed by the claims if  $R_1$ ,  $R_2$ ,  $R_3$ , and  $R_5$  were each uncharged. The Office has cited the compound described in paragraph [0025] of Stürzebecher, benzylsulfonyl-D-Ser-Gly-4-Amidino-benzylamide  $\times$  HCl ("the Stürzebecher compound"). As shown in the following table, the Stürzebecher benzylamidine does not correspond to any of  $R_1$ ,  $R_2$ ,  $R_3$ , or  $R_5$  in formula I and the Stürzebecher  $-CH_2OH$  corresponds to  $R_4$  in formula I:

Stürzebecher compound:	Corresponding Groups in Instant Formula I:
 <p style="text-align: center;">× HCl</p>	$R_1 = H;$ $R_2 = H;$ $R_3 = H;$ $R_4 = -(CH_2)_fOR_{11}$ , where $f = 1$ and $R_{11}$ is H; $R_5 = -SO_2R_{12}$ , where $R_{12}$ = unsubstituted aralkyl; $U$ = phenyl; $V = (CH_2)_n$ , where $n = 0$ ; $X = CH$ ; $Y = (CH_2)_m$ , where $m = 1$ ; and $Z$ = occurs in the 4-position and is an amidino group $-C(NH)NHR_{14}$ , where $R_{14}$ is H.

In this structure,  $R_1$ ,  $R_2$ , and  $R_3$  are each H and  $R_5$  is  $SO_2CH_2Ph$ , and none of these groups is charged. The Stürzebecher compound is therefore not encompassed by the claimed chemical genus.

4. A chemist would know that the amidine group is the most basic group in the Stürzebecher compound. Consequently, a chemist would recognize that the  $-CH_2OH$  group is neutral and the amidine group is positively charged. None of the  $R_1$ ,  $R_2$ ,  $R_3$ , or  $R_5$  groups in the Stürzebecher compound is charged.

5. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

30.06.2009

Date

Andrea Schweinitz

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